

# CITY OF PRESTON PLANNING AND ZONING MEETING

August 12, 2020

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**ROLL CALL** Roll Call showed the following Board members present: Vice Chairman Steve Call, Commissioner Fred Titensor, Commissioner Adrienne Alvey, Commissioner Dave Cole

Staff present: Tyrell Simpson, Shawn Oliverson, Preston Rutter, Becky Cox

Others: Dan Keller, Michael Jewell, Dixon Beckstead, James K. Jensen, Kevin Blanch, Dawn Richards, Rozanne W. Wood, Don P. Richards, Jeff Baxter, Jeff Call, Scott Fellows, Jordan Snedaker, Jeneil Blanch, Nicole Nielson

Meeting was called to order at 6:00 P.M. by Vice Chairman Steve Call.

**REVIEW & APPROVE P&Z MINUTES 7/22/2020** It was moved by Commissioner Fred Titensor and seconded by Commissioner Adrienne Alvey to approve the Planning and Zoning Minutes of July 22, 2020 as written. Commissioner Dave Cole abstained from voting as he was not present at the meeting. The motion received unanimous approval.

**DECISION ON PUBLIC HEARING VEFINA, LLC PLANNED UNIT DEVELOPMENT** City Engineer Tyrell Simpson addressed the question of required square footage that was presented during the public hearing on July 22, 2020. Preston Municipal Code 16.34.030 states that residential units must have a minimum area per unit of six thousand (6,000) square feet. Mr. Simpson explained that the code is somewhat vague and does not define a residential unit. Past developments that have been approved in the city have read the code as meaning that a residential unit is the building as a whole, not each individual unit within the building. Mr. Simpson recommended that the commissioners look at each building as being required to have a minimum area of six thousand square feet as this still provides forty (40) percent of open space on the property. Commissioner Steve Call commented that he feels like the development is a good use of space and good for Preston. Commissioner Dave Cole commented that the developers have used the property well with extra parking and plenty of green space. There was some discussion about clarifying the code for the future and looking at the impact of developments on roads and neighborhoods and including some requirements for developers in the code.  
It was moved by Commissioner Dave Cole to approve the preliminary plat for Vefina, LLC Planned Unit Development at 314 W 1<sup>st</sup> N and move forward to a final plat. The motion was seconded by Commissioner Titensor.

Vote went as follows:      Commissioner Call -            aye  
   Commissioner Alvey -         aye  
   Commissioner Titensor -     aye  
   Commissioner Cole -         aye

Vote was unanimous.

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**KEVIN  
BLANCH  
BUILDING  
PERMIT  
APPEAL**

Kevin Blanch explained to the commissioners that he was denied a building permit because of the proposed 5<sup>th</sup> South road running along the edge of his property and his house would interfere with it. He stated that his realtor did not know that the proposed road was there and the title search did not bring it up. He said that if he had known about it he would not have bought the property. He proposed some resolutions to the commissioners, which included the city buying the property, the city abandoning the road, or repositioning the road.

City Engineer Tyrell Simpson explained to the commissioners that proposed roads don't appear in a title search but are part of the master street plan that shows where a proposed road could be to prepare for future development to be compatible with current roads. A view of the property and the master street plan were viewed by the commissioners. Commissioner Cole stated that because the previous house on that lot had been torn down the property is subject to current zoning rules. Commissioner Titensor observed that the property is not rendered unusable with the dedication of the road and that there is still plenty of space to build on the lot. Mr. Blanch stated that the house plan he wants does not work on the property. Commissioner Titensor explained that they have to look towards the future growth of Preston and make decisions that will be best for the city now and in the future. The commissioners agreed that none of the options presented by Mr. Blanch were feasible for the city.

Commissioner Titensor made a motion to deny the building permit appeal for Kevin Blanch at 515 S. 4<sup>th</sup> W. The motion was seconded by Commissioner Alvey.

Vote went as follows:

Commissioner Call -	aye
Commissioner Alvey -	aye
Commissioner Titensor -	aye
Commissioner Cole -	aye

Vote was unanimous.

**SCOTT  
FELLOWS  
BUILDING  
PERMIT  
APPEAL**

Scott Fellows presented his building permit to the commissioners and explained that it had been denied because it does not meet the requirements for a flag lot according to Preston Municipal Code. Mr. Fellows said that he is willing to make any changes needed to address the concerns of the house being so far off of the main road. He stated that there are several examples in the city of houses being built on a similar lot situation and doesn't understand why he cannot be allowed to do the same thing. Mr. Fellows said he has already talked to the state highway, airport, and Canal Company to get approval.

Commissioner Titensor said that most situations like these are done through a variance and not an appeal and pointed out that there are a lot of obstacles to overcome with the desired location of the house. Commissioner Call explained that the building permit does not fit within existing ordinances. City Attorney Preston Rutter explained to the commissioners that they have to follow the ordinances and codes and they can't put conditions on a building permit like they could on a variance application. In this situation they are limited to approval or denial. Commissioner Cole said that based on code there are too many discrepancies to be able to approve a building permit, but encouraged Mr. Fellows to look into a variance.

Commissioner Cole moved to deny the building permit appeal for Scott Fellows at 900 N 1100 W. The motion was seconded by Commissioner Alvey.

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Vote went as follows:      Commissioner Call -            aye  
   Commissioner Alvey -            aye  
   Commissioner Titensor -        aye  
   Commissioner Cole -            aye

Vote was unanimous.

**COMPRE  
-HENSIVE  
PLAN AND  
ZONING  
DISCUSSION**

Economic Development Director/Assistant Planner Shawn Oliverson presented the commissioners with a revision of the animal rights code. The Commissioners discussed the options for limiting animals to one acre or half acre lots and limiting it to unimproved acreage. It was decided that keeping a minimum of a half-acre lot would serve the citizens best. City Attorney Preston Rutter recommended some changes to the legal language. The commissioners thanked Mr. Oliverson for making the changes and addressing all of the concerns that there were brought from the public meeting and agreed that with the changes to the legal language they were ready to present it to city council.

**ADJOURN**

Meeting was adjourned at 7:54 P.M. by Vice Chairman Steve Call.

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Becky Cox

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Steve Call, Vice Chairman